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McGREW INSURANCE CASE

San Francisco Decree That Money
Must Be Paid Over Again.

Judge Bahrs Holds That Mrs. Henri McGrew
Shall Recover Amount of Policy Under
California Law.

The San Francisco Chronicle of
October 6 has the following
law report:

"Judge Bahrs determined a
novel point of law yesterday in
the suit of Alphonsine McGrew
against the Mutual Life In-
surance Company of New York.
The action was brought to re-
cover \$5000 insurance on the life
of the plaintiff's former husband,
Henri McGrew. The company
has heretofore paid the amount of
the policy to McGrew's personal
representatives. Under Judge
Bahrs' decision a second payment
of the entire amount must now be
paid to Mrs. McGrew.

"McGrew and his wife during
the period of their married life
resided in Honolulu. Some years
ago McGrew secured a divorce on
the ground of his wife's adultery.
At the time of the divorce Mrs.
McGrew was the owner of the in-
surance policy on her husband's
life. She brought the policy with
her to California, where she has
since resided.

"When McGrew died the policy
of insurance became a subject of
dispute in the courts of Hawaii.
Mrs. McGrew was not a party to
the suit and a trial resulted in a
judgment against the company
and in favor of McGrew's execu-
tors.

"Mrs. McGrew's suit on the
policy was commenced in the
courts of this city. The company
urged as a defense that the decree
of divorce deprived her of all in-
terest in the policy. This defense
was based on an Hawaiian statute,
which provides that in case of a
divorce on the ground of adultery
the personal property of the guilty
party shall be forfeited to the
other.

"Judge Bahrs held that the
statute of Hawaii did not apply
here for the reason that Mrs. Mc-
Grew had since the divorce se-
cured a domicile in California.
For that reason, said the Court,
she was entitled to an adjudica-
tion of her rights under the laws
of California. Judgment was
awarded against the insurance
company for the full amount of
the policy, with interest."

The case decided here was that
of J. O. Carter, administrator of
the estate of Henri G. McGrew,
deceased, v. The Mutual Life
Insurance Company of New York.
Among other things it was held
that in an action at law on the
policy Alphonsine McGrew, the
beneficiary named in the policy,
need not be made a
party. Also, that, according to
Sec. 1831 Civil Code, Alphonsine
McGrew's interest in the policy
passed upon the divorce to Henri
McGrew, and the insurance was
now payable to the administrator
of his estate.

If the attorney for the in-
surance company had made the
beneficiary in the policy a party
to the case, she would have been
unable to bring the action that
has now resulted in her favor
in California. Perhaps, however,
she might not have needed to do
so, as her appearance in it might
have led to a different decision
here. The matter is causing much
talk in legal circles in Honolulu.

Princess Kaiulani.

A Coast paper states that Prin-
cess Kaiulani and her father, ex-
Governor Cleghorn, have engaged
passage for Honolulu by the steam
ship Australia, leaving San Fran-
cisco on November 2, after having
previously spent a week in that
city. The Princess is accompanied
on her present trip only by her
maid and her father.

A GOOD ENTERTAINMENT.

Mrs. Edward Thoroughly Mystified a
Large Audience Last Night.

Space does not permit of such
extended mention of Mrs. Ed-
ward's performance last night at
Y. M. C. A. hall, when she
thoroughly mystified and puzzled
an audience of something over 200
people. At the outset it may be
said that the lady more than car-
ried out her promises to the pub-
lic.

Her first test was a marvelous
feat of memory. She produced
six slates, each with five numbers,
which were passed around the au-
dience with the request that the
name of some object be written
opposite each number. Mrs.
Edward does not see the
slates, being securely blindfolded,
but after the numbers and names
had been slowly read over to her
she repeated them at once from
memory and then read them back-
wards. She then told the number
opposite any of the thirty names
or vice versa, and did this at any
time during the evening.

The old cabinet trick with
spiritualistic manifestations was
thoroughly well done, and in a
manner that not only mystified
the audience but the committee on
the stage, which consisted of Rev.
V. H. Kiteat, George D. Gear, A.
V. Gear and A. St. M. Mackintosh.
One of her best feats was that in
which, after being enclosed in a
tight sack, securely tied about
the neck with rope, and the knots
sealed with wax by the Commit-
tee, she was seated on a chair in an
ordinary screened box, the rope
passed through a hole in the cur-
tains to the committee and the
curtains drawn and the lights
turned down. In a few minutes
one sees on the stage her ghostly
visitors, whom she terms Gertrude,
Cissy and Josephine, one after the
other, each going through a cer-
tain performance. At the expira-
tion of a short time the lights are
again turned on and the sole per-
former is found sitting in her
chair, the rope around her neck
undisturbed and the seal unbroken.
Mrs. Edward promises to show
the audience how this trick is
done at her final performance but
everybody was completely mysti-
fied by it last night.

During the intermissions Miss
Leighton, the accomplished sopra-
no soloist, sang three ballads
most artistically, declining an
encore on each occasion. Miss
Leighton's beautiful voice was
heard to splendid advantage and
seemed especially adapted to the
size of the hall.

Two young ladies from Kawai-
ahao church provided the instru-
mental music quite acceptably,
especially the opening piano duet.

Story Contradicted.

In a recent issue a Chicago dis-
patch was republished in this
paper, telling of a party of young
people from the islands giving
umbrage to the former Queen, by
serenading her in the overland
train with songs recalling her
changed circumstances. Letters
have now been received from
some of the young people, giving
a complete denial of the story.
They sang Hawaiian and other
songs in the train at Liliuokala
in request, and she was pleased
and not offended.

Royal makes the food pure,
wholesome and delicious.



PETITION TO THE KAISER

Mrs. Anna Gertz Complains to the
Emperor of Germany.

This She Informs the Judiciary of Hawaii
In a Protest Against the Foreclosure
of a Certain Mortgage.

Since the arrival of last mail
from the Coast the following
document has been filed in the
Clerk's Office of the Judiciary
Department:

SAN FRANCISCO, October 10th, 1897.

To the Honorable Probate Court
at Honolulu, Republic of Ha-
waii.

To the honorable Judge it may
concern: I undersigned, Anna
Gertz, widow of Christian Gertz
of Honolulu, Republic of Hawaii,
respectfully petition the honor-
able Court, to take notice, that I
hold the estate of C. H. Banning
and B. R. Banning and their
Trustee Alfred Magoon responsi-
ble for the unlawful acts,
said Trustee Alfred Magoon
has done in the foreclosure
of mortgage, which was
made on the twelfth of December
1894. I think it necessary to give
this notice, as Mr. Magoon might
resign and his bonds would be
canceled and perhaps more diffi-
cult for the honorable Probate
Court to decide.

I am forced by my own con-
science and by the duty to my
children and other duties the will,
not brought j it to probate, to do
all in my power to recover,
the unlawful taken away
property. I petitioned His Majesty
the Emperor of Germany to hold
investigation, as the rulers of the
Republic of Hawaii, are afraid of
Mr. Alfred Magoon and the
mighty missionaries to give us our
right. I do not know if my
writing reached his Majesty, if
my case is on investigation, then
I wish to be excused for still
meddling as a Lawyer in this
affairs.

I have the honour to remain,
Respectfully yours,
ANNA GERTZ.

CAPTAIN MURRAY VINDICATED.

Why the Bark Mohican Left Her
First Officer Behind Last Trip.

When the bark Mohican was in
Honolulu last, second mate Kelly
was acting as chief officer in place
of Mate Murray who had been
suspended.

It now transpires that Messrs.
Welch & Co., the owners of the
vessel, had received an anonym-
ous letter to the effect that Mur-
ray had been engaged in smug-
gling fifty pounds of opium into
the islands. While the Mohican
was away on her last trip Welch
& Co. caused a thorough investi-
gation to be made with the result
that the charges were disproved
and Murray thoroughly vindicat-
ed. Captain Murray is again
chief officer of the Mohican and
will be here in a week or two in
that capacity.

Honors for Senator Morgan.

Senator Morgan should be in
Los Angeles today and tomorrow
if he carries out his pre-arranged
itinerary. The citizens of that
city have arranged to give him a
monster non-partisan reception,
which is intended to eclipse any-
thing of the kind ever attempted
in Los Angeles, in order to show
the appreciation of the citizens of
the sturdy fight made by the Sen-
ator for San Pedro harbor. The
Chamber of Commerce is at the
head of the affair and the Jeffer-
sonian Democratic Club and
Silver Republicans will also join
in the effort to do the Senator
honor.

A Tokio dispatch to Vienna says
it is reported that the King of
Korea has proclaimed himself
Emperor.

JUDICIARY NOTINGS.

Decisions on Street Damages Award
and Other Cases.

Chief Justice Judd writes the
opinion of the Supreme Court,
signed by himself and Justices
Frear and Whiting, on a sub-
mission of J. A. Magoon, guardi-
an of Susan Brash, and adminis-
trator of the estate of William
Brash, deceased, against Richard
M. Brash, Walter Brash, W. G.
Brash, Mary A. Waterbury and
Elizabeth Robson. It relates to
an award of \$4000 made to the
Brash estate for street damages.
The petitioner asked that the sum
be paid to him as guardian of
Susan Brash, the income to be
applied to the ward's main-
tenance, and that he, Mr. Magoon,
be awarded an attorney's fee of
\$400 for attending to the matter.
The Court decides that the money
has the same character as the
real estate it represents and
should be paid to Susan
Brash who held a life in-
terest in the real estate. It is to
be invested for her benefit by the
guardian. As to the guardian's
claim of \$400, the Supreme Court
leaves his compensation to the
Circuit Court, which has control
of the trust. Magoon & Edings
for petitioner; W. G. Brash as
friend of the ward.

Judge Carter has found in
favor of plaintiffs, in Hee Kim
and Hoy Ying vs. Oahu Lumber
and Building Co., for the amount
of note, \$666.66, with 9 per cent
interest from Jan. 5, 1897. Hum-
phreys for plaintiffs; Magoon &
Edings for defendant.

In Julia Colburn et al. vs. A.
V. Kepoikai et al., Judge Carter
finds Mrs. Colburn is entitled to
\$45.13 and Mrs. Lyons and her
assignee to \$45.13, or one-half
each of \$90.26 in the hands of
Mr. Kepoikai, who handled the
accounts for rent between the
Kipahulu Sugar Co. and the heirs
of Kaleimakalii. Rosa for plain-
tiffs; Kinney & Ballou, J. A. Ma-
goon and S. K. Kane for defend-
ants.

In the case of W. M. Mahuka
vs. Antone Rosa, which was to
be heard before Judge Carter up-
on the exceptions to the master's
report taken by the plaintiff, the
hearing has been postponed until
after the appointment of a suc-
cessor to Judge Carter, as the ex-
ceptions are so voluminous that
Judge Carter will not be able to
hear them before his resigna-
tion takes effect. Henry Smith,
the master, surcharged Mr.
Rosa as guardian with \$2200,
but the plaintiff contends that he
shall be made to account to him
for \$17,136.02 as the balance due.
A. S. Humphreys and Geo. D.
Gear for the plaintiff, and Antone
Rosa in person.

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comparison of prices and work-
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